

Appl. No. 09/897,921
Amndt. dated January 20, 2004
Reply to Office action of July 17, 2003

REMARKS / ARGUMENTS

In this response, Applicant has canceled claim 3, and amended claim 1 to particularly point out certain novel features of the present invention. Applicant respectfully submits that the aforementioned changes do not add new matter, and that the amendments are supported by the originally filed specification. In particular, amended claim 1, adds limitations that the further road extends through the body of water only. Applicant submits that these limitations are neither taught nor rendered obvious by Wright et al., nor the cited Louisiana road system, as detailed below.

Rejection Under 35 U.S.C. §103 As Unpatentable Over Wright et al. In View Of Cited
Louisiana Road System

The Examiner has rejected claims 1-3, 6, 7, and 18, under 35 U.S.C. §103(a) as unpatentable over Wright et al. in view of the cited Louisiana road system. Reconsideration thereof is requested in light of the following.

As previously mentioned, bridges are conventionally used to connect two non-contiguous bodies of land, such as a mainland to an island. Bridges are also conventionally used to connect two points on a contiguous body of land to reduce the distance required to travel therebetween. The Louisiana road system cited by the Examiner is an example of the latter.

In the Louisiana road system cited by the Examiner, the distance required to travel from Metairie to Mandeville via the bridge is much shorter than any of the possible existing routes overland. Thus, although it is possible to travel between these towns overland, the bridge drastically reduces the commute time. Applicant suspects that this was the motivation for building the bridge in the first place. If the distance overland had been shorter (or even approximately equal to the length of the bridge), conventional wisdom would suggest that it would have been ludicrous to build the bridge.

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And yet, as non-obvious as it may appear, there are circumstances outlined in the present invention where building a bridge that is typically as long—if not longer—as any overland route would be desirable. In particular, as shown in the example of the detailed description of the present invention, building a "bridge" that remains substantially parallel to the shoreline over its length, and is therefore approximately equal or greater in length than the route overland (i.e., the "at least one existing road") can be used to diminish traffic.

To clarify its invention applicant has amended claim 1 to identify a body of water proximate to the tract of land, where the area body of water being suitable for supporting a further road for routing the traffic. Moreover, the further road is located through the body of water only to span the tract of land so that the further road is generally parallel over its length to the shoreline of the body of water and the tract of land. In addition, the further road is linked to the first point and the second point so that the further road extends through the body of water only to provide the alternate route to the at least one existing road.

As previously mentioned, Applicant suggests that, absent what is taught in the present invention, a person of ordinary skill in the art would conclude that it is not worth building the further road over water if alternate shorter routes are available overland. At the very least, it would not be obvious to the person to consider such a proposal had it not been suggested.

As mentioned, the cited reference do not deal with the proximate problem of routing traffic by constructing a further road that is generally parallel over its length to the shoreline of the body of water and the tract of land to route traffic. As mentioned, the Louisiana road system is a bridge to reduce commute time between two points. Since neither this reference nor Wright et al. is concerned with the same proximate problem as the invention, there can be no *prima facie* case of obviousness by modifying these references, either singly or in combination to provide the invention as discussed above.

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Moreover, should one modify the Louisiana road system according to applicants invention, applicant submits that the purpose or function of the bridge disclosed in that reference would be destroyed, i.e., providing a shorter route than any of the possible overland routes. Since there would be no technological motivation for engaging in the modification or change (in fact, applicant submits there would be a disincentive), an obviousness rejection under §103 is not proper. See *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Therefore, claim 1, as amended, is neither taught in nor rendered obvious by Wright et al. in view of the cited Louisiana road system. Accordingly, favorable consideration of claim 1, and of claims 2, 6, 7, and 18, which depend from claim 1, is solicited.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any further issues outstanding, applicant invites the Examiner to call the undersigned at (416) 957-1697.

Respectfully submitted,

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